

ADANTÉ D. POINTER, ESQ., SBN 236229
PATRICK M. BUELNA, ESQ., SBN 317043
TY CLARKE, ESQ., SBN 339198
POINTER & BUELNA, LLP
LAWYERS FOR THE PEOPLE
155 Filbert St., Suite 208,
Oakland, CA 94607
Tel: 510-929-5400
Website: www.LawyersFTP.com
Email: APointer@LawyersFTP.com
Email: PBuelna@LawyersFTP.com
Email: TClarke@LawyersFTP.com

Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

KEVIN LOYNACHAN, et al.)	Case: 2:22-cv-00841-WBS-JDP
Plaintiffs,)	
)	
)	
v.)	STIPULATION AND ORDER TO
)	AMEND SCHEDULING ORDER
DARLENE SMILEY, et al.)	
Defendants.)	
)	
)	
)	

IT IS HEREBY STIPULATED, and respectfully requested, by and between Plaintiffs and Defendants (hereinafter, "the Parties") by and through their designated counsel, that:

WHEREAS, on 05/18/2022, Plaintiffs filed their Complaint. **(ECF NO. 1).**

WHEREAS, on 08/23/2022, this Court issued a scheduling order. **(ECF NO. 10).**

WHEREAS, the Siskiyou County District Attorney's Office has yet to conclude its investigation of Defendant Smiley's shooting of Plaintiffs' Decedent. Defendant Smiley is

unable to meaningfully participate in the civil discovery process while there is an open criminal investigation into the incident giving rise to this litigation. While Defendant's counsel has received indications for months from the District Attorney's Office that this investigation will be closed shortly, the Parties believe the case schedule should be extended as a precautionary action in case the investigation continues.

WHEREAS the Parties STIPULATE TO and JOINTLY REQUEST that this Court's initial scheduling order (**ECF NO. 10**) be amended accordingly:

Close of Fact Discovery:	06/26/2023	9/25/2023
Expert Witness Disclosure:	04/17/2023	7/19/2023
Rebuttal Expert Disclosure:	5/22/2023	8/24/2023
Dispositive Motion Filing:	7/11/2023	10/12/2023
Final Pretrial Conference:	9/25/2023	1/04/2024
Proposed Jury Trial:	12/5/2023	3/11/2024

IT IS SO AGREED.

Dated: 2/21/2023

/s/ Ty Clarke

Ty Clarke

Attorney for Plaintiffs

Dated: 2/21/23

/s/ James Wyatt

James Wyatt


Attorney for Defendants

IT IS SO ORDERED:

This Court's initial scheduling order (**ECF NO. 10**) is amended as follows:

Close of Fact Discovery:	9/25/2023
Expert Witness Disclosure:	7/19/2023
Rebuttal Expert Disclosure:	8/24/2023
Dispositive Motion Filing:	10/12/2023
Final Pretrial Conference:	<u>1/16/2024 at 1:30 p.m.</u>
Proposed Jury Trial:	<u>3/19/2024 at 9:00 a.m.</u>

Dated: February 22, 2023



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE